

## **REMARKS**

### Priority Document

The Office action indicates Applicant needs to file a priority document. The present application is a national stage of a PCT application. The Notice of Acceptance of 08/23/07 for this application indicates the priority document was received. Moreover, the undersigned checked the WIPO electronic file for the international stage and saw the EP priority document. Thus, the undersigned requests the Examiner recheck the file and, if the document is still missing, please request the document from the US/RO or WIPO or other appropriate group. If the undersigned can be of any assistance with this please let him know.

### IDS

The Office action indicates the IDS of 2/28/07 was not entered. It appears the listing of references was not filed with the IDS cover letter. Thus, the IDS was resubmitted November 26, 2008 with the listing of references.

An additional IDS is submitted concurrently with this response to submit and a recent US patent the full copy of a Russian reference for which the Examiner cited an Abstract.

### 35 USC §103(a)

Claims 1-6 and 9-12 are rejected under 35 USC §103(a) as being obvious over DeVries et al (US 7,419,530). US '530 names two of the present five inventors. The application and the reference are both assigned to Aleris Switzerland GmbH c/o K+P Treuhandgesellschaft. The Office action helpfully lists a number of ways to overcome the rejection.

The undersigned as attorney of record for Applicant states the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

### Obviousness-type double patenting

Claims 1-6 and 11 are rejected for obviousness-type double patenting as being unpatentable over a number of claims from US '530. In response applicant files a terminal disclaimer.

Conclusion

In view of the above it is respectfully submitted all objections and rejections are overcome.  
Thus, a Notice of Allowance is respectfully requested.

Respectfully submitted,

/anthony p venturino/

Date: December 31, 2008

By:

\_\_\_\_\_  
Anthony P. Venturino  
Registration No. 31,674

APV/bms

ATTORNEY DOCKET NO. 8674.038.US0000

NOVAK, DRUCE, DeLUCA + QUIGG, L.L.P.  
1300 I STREET, N.W., SUITE 1000 West Tower  
WASHINGTON, D.C. 20005  
TEL. 202-659-0100 / FAX. 202-659-0105